

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ARON DEVON HELM,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-21-1139-F
)	
CHAD DENNIS,)	
)	
Respondent.)	

ORDER

Petitioner Aron Devon Helm, a state prisoner appearing *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent Chad Dennis responded to the petition and petitioner replied. On May 27, 2022, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation, recommending the petition be denied. Magistrate Judge Erwin advised the parties of their right to file an objection to the Report and Recommendation by June 13, 2022. He also advised that failure to make timely objection to the Report and Recommendation waives the right to appellate review of both factual and issues therein contained.

Petitioner has not filed an objection to the Report and Recommendation or requested leave from the court for an extension of time to file one. With no objection being filed within the time prescribed by Magistrate Judge Erwin, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

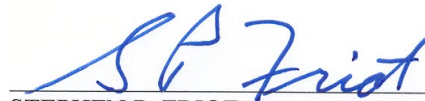
Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, requires a district court “issue or deny a certificate of appealability when it enters a final order adverse to the [petitioner].” The district court may issue

a certificate of appealability (COA) “only if the [petitioner] has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When the district court denies a habeas petition by rejecting the merits of a petitioner's constitutional claims, the petitioner must show “that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). However, when the district court denies the habeas petition on procedural grounds, the petitioner must show both “[1] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and [2] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Id.*

For the reasons discussed in the Report and Recommendation, the court concludes that petitioner cannot make the showings necessary to obtain a certificate of appealability. The court therefore declines to issue a certificate of appealability.

Accordingly, the Report and Recommendation of United States Magistrate Judge Shon T. Erwin (doc. no. 20) is **ACCEPTED, ADOPTED, and AFFIRMED**. Petitioner Aron Devon Helm’s Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (doc. no. 1) is **DENIED**. A separate judgment will issue.

IT IS SO ORDERED this 28th day of June, 2022.


 STEPHEN P. FRIOT
 UNITED STATES DISTRICT JUDGE